COASTAL CONSERVANCY

Staff Recommendation
June 16, 2005

DERELICT FISHING GEAR REMOVAL PILOT PROJECT

File No. 05-040
Project Manager: Sheila Semans

RECOMMENDED ACTION: Certification and approval of the Mitigated Negative Declaration for the California Derelict Fishing Gear Removal Pilot Project, and authorization to disburse up to $300,000 to the SeaDoc Society of the University of California, for removal of derelict fishing gear off the coast of California.

LOCATION: Derelict fishing gear is likely found in the water along the entire coast of California. However this pilot project will concentrate on four coastal regions: in Humboldt County, from Humboldt Bay to Trinidad Head; in Monterey County, from Elkhorn Slough to Point Lobos; in San Luis Obispo County, from Point Estero to Point Buchon; and in Los Angeles County, at Santa Catalina Island.

PROGRAM CATEGORY: Integrated Coastal and Marine Resource Protection

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EXHIBITS

Exhibit 1: Project Location Map

Exhibit 2: Initial Study and Mitigated Negative Declaration

Exhibit 3: Mitigation and Monitoring Program

Exhibit 4: Letters of Support

Exhibit 5: MND Comments Summary

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Section 31220 of the Public Resources Code:

"The State Coastal Conservancy hereby adopts the Mitigated Negative Declaration for the California Derelict Fishing Gear Removal Pilot Project attached to the accompanying staff recommendation as Exhibit 2; adopts the Mitigation and Monitoring program attached to the accompanying staff recommendation as Exhibit 3; and authorizes the disbursement of an amount

not to exceed three hundred thousand dollars ($300,000) to the Regents of the University of California, Davis Campus, Wildlife Heath Center, SeaDoc Society ("SeaDoc Society") for the removal of derelict fishing gear off portions of the coast of California, subject to the following conditions:

1. Prior to disbursement of Conservancy funds, the SeaDoc Society shall submit for the review and written approval of the Executive Officer of the Conservancy:
    a. A detailed work program, schedule, and budget.
    b.The names and qualifications of any contractors to be employed in carrying out the project.
    c. Evidence that all necessary permits and/or approvals have been obtained.
    d. Evidence that all other funds necessary to complete the project have been obtained.

2. At the conclusion of the pilot project, the SeaDoc Society shall provide to the Conservancy a written report documenting the implementation of all mitigation measures required in the Mitigated Negative Declaration for the project as well as a monitoring report indicating the success of the mitigation measures, in accordance with Public Resources Code Section 21081.6."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 5.5 of the Public Resources Code (Section 31220), regarding the Conservancy's authority to protect and restore marine resources.
2. The Conservancy has reviewed the proposed Mitigated Negative Declaration for the California Derelict Fishing Gear Removal Pilot Project, attached to the accompanying staff recommendation as Exhibit 2, and public comments, and finds that the project, as mitigated, avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 Cal. Code of Regulations Section 15382.
3. The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001;
4. There is no evidence before the Conservancy that the California Derelict Fishing Gear Removal Pilot Project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.
5. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in 14 Cal. Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2."

PROJECT SUMMARY:

Derelict fishing gear is defined as lost or abandoned fishing nets, lines, pots, and other commercial and recreational fishing gear that sits on the seafloor, gets caught on rocky reefs, or floats in the water column. The majority of this gear does not decompose in seawater and can remain in the marine environment for years. Derelict gear impacts the marine environment in several ways: it can continue to "catch" marine animals, which become enmeshed or trapped; it can damage the habitat upon which it becomes entangled or upon which it rests; it can pose an underwater hazard for boaters, entangling boat propellers and anchors; and it can similarly endanger humans, especially divers. It is also a visual blight on the seafloor, diminishing the natural aesthetic quality of the seafloor and rocky reef habitat.

Staff recommends authorization to disburse up to $300,000 to the SeaDoc Society of the University of California for the removal of derelict fishing gear off the coast of California. The SeaDoc Society is a university-based marine science program focused on improving the health of marine wildlife and ecosystems in California and Washington State. For the proposed project, the SeaDoc Society will target portions of four coastal counties in California:

Humboldt County, from Humboldt Bay to Trinidad Head
Monterey County, from Elkhorn Slough to Point Lobos
San Luis Obispo County, from Point Estero to Point Buchon
Los Angeles County, Santa Catalina Island

These four coastal areas have been chosen for initial investigation because they offer a wide range of habitats, lost gear circumstances, and weather conditions that will fully test the program. The main objective of this pilot project will be to better determine the extent of the problem off the coast of California, and if warranted, position the project for long-term operation by developing, implementing, testing and refining all facets of the program, including:

- Field-testing standard operating procedures for gear location and removal operations;
- Training personnel, divers and contractors;
- Creating outreach materials, a phone-in hotline and a website;
- Informing and involving a broad range of stakeholders;
- Identifying sources of future funding for long-term support;
- Determining appropriate permission/authorization/approvals needed for future work.

The following types of fishing gear are used commonly in California marine waters and are therefore the types of gear most likely to be encountered as derelict (including gear once used heavily but are now either severely limited or no longer allowed in California):

Gill nets: Gill nets are curtain-like nets that are suspended in the water with mesh openings large enough to permit only the heads of the targeted species to pass through. Gill nets are now largely restricted for use in deeper water 1 –10 miles from shore, and prohibited for use north of Point Reyes, Marin County. Gill nets are primarily used to catch halibut, herring, nearshore finfish and groundfish (largely historic), sheep crabs, sharks, salmon, and herring.

Purse seine nets: Purse seines are nets that are cast in a circle around a school of fish, and then drawn closed at the bottom to prevent escape. Purse seine nets are used to catch coastal pelagic species like sardines, anchovies, squid, mackerel, some tuna species, white croaker, perch, smelt, and squid.

Trawl nets: Trawl nets are nets or mesh bags that are dragged at various depths or along the ocean bottom. They are used to catch halibut, ocean and bay shrimp, nearshore finfish and groundfish, and sea cucumbers. Commercial use of trawl nets is prohibited within 3 miles of shore in California.

Long lines: Long lines are comprised of a long main line to which are attached a large number of hooks. They are used for catching salmon, nearshore finfish and groundfish, sharks, tuna, dorado, and striped bass.

Pots and traps: Various types of pots, traps and baited hoop nets are used in both the commercial and recreational fisheries to catch shrimp, lobster, crabs, and nearshore finfish.

Recreational fishing gear: Lost or abandoned gear from recreational rod and reel and pot/trap fisheries can consist of lines, weights, hooks, flashers, downrigger wire, jugs, and pots.

The presence of derelict gear will be located by conducting sidescan sonar surveys, using remotely operated underwater cameras, initiating SCUBA surveys, or through the opportunistic locating and reporting of lost gear by those who encounter it in the marine environment. Reasonable efforts will be made to coordinate habitat mapping with other efforts going on in the state. Derelict gear will be removed in depths no greater than 100ft, and in such a way as to minimize disturbance of the marine environment. If the process of removing the gear is going to damage the habitat more than the gear itself, the derelict gear will be modified in place (e.g. nets can be cut at their base or bundled in place, or pots/traps can be secured in an open position). These decisions about gear removal and impact to local habitats will be made by the derelict gear removal team, in consultation with local state and federal agency partners knowledgeable about the local habitats. Extensive data on gear, habitats, and marine resources will be kept on all activities of the program, posted on a public website, and distributed to management agencies when warranted.

This proposed project would be a no-fault program that encourages ocean users to report gear without the threat of fines or retribution. Best efforts will be made to return gear that is clearly labeled with an owner name. Gear that cannot be repatriated will be either recycled or disposed.

All divers contracted to perform gear removal will hold commercial diving certification. Washington State's gear removal program has become a source of offseason employment for commercial urchins and sea cucumber divers. Because these divers are already very familiar with the local habitats, California's program will look to employ commercial fisherman in the same way.

The proposed project has benefits to Californians and visitors alike. Anyone who utilizes nearshore waters for boating, fishing and diving will benefit through increased safety provided by removal of underwater hazards. Commercial and recreational fishers will benefit through the potential repatriation of lost gear. Also, non-fishing industries (e.g. the U.S. military, telecommunications companies) will benefit from the removal of gear that entangles equipment

and structures or prevents its placement underwater. The state resources agencies will benefit by having a program that reduces the loss of commercially and recreationally valuable marine organisms from state waters, and provides a higher level of protection for threatened and endangered species. But ultimately, it is the living marine resources and unique underwater habitats of California that will benefit from the removal of derelict gear that injures and kills animals or damages habitats.

Site Description: All derelict gear removal activities will occur in the nearshore waters off Humboldt, Monterey, San Luis Obispo, and Los Angeles counties. Derelict gear in the intertidal zone is often encrusted on rocks or on woody debris, or may be partially buried in the sandy or muddy bottoms. Gear found in the intertidal zone can usually be removed by hand with shovels and/or cutting instruments at low tide, either by foot from the beach or shoreline, or from a shallow draft vessel. If removal efforts require modification of the beach (e.g. digging into the sand), the modification (e.g. the hole) will be filled after the gear has been removed. If removal efforts require the manipulation of woody debris, best efforts will be made to replace the woody debris to its original position.

Gear removal beyond the intertidal zone will be conducted out to depths of 100 feet. Dive teams will be comprised of a minimum of three individuals: a diver working on removal of the gear, a support diver standing off the gear to be ready to assist the working diver if entanglement occurs, one dive supervisor, and a boat skipper (the supervisor and skipper can be the same individual). The underwater team will work upcurrent from the derelict gear, so that when it is separated it will tend to float away from the divers rather than towards them.

Project History: The amount of derelict fishing gear in California nearshore waters has never been quantified. However, marine biologists and resource managers conducting underwater research on fish and marine habitats encounter derelict gear on a regular basis. The Marine Mammal Center in Sausalito alone cares for an average of twelve seals or sea lions every year with serious injuries caused by entanglement in fishing gear. Anecdotal evidence from commercial and recreational fisherman, wildlife rehabilitation centers, researchers, and regulators support the theory that this is a problem in California. And if we look to other states with gear removal programs as examples, we see further evidence of this potential problem. A derelict net pulled out in Washington State waters contained 150 dead salmon, several hundred dead Dungeness crab, several dogfish; and a shorebird skeleton. A derelict gear removal program in Hawaii has removed 485 tons of derelict gear from the northwestern Hawaiian Islands since 1998.

Although administered by UC Davis, the SeaDoc Society was initially funded through private donations to address marine issues in the inland waters of Washington state and British Columbia. The derelict fishing gear removal program in Washington State was commissioned by the state legislature in 2001 and began operation through the Northwest Straits Commission (NWSC) the following year. The SeaDoc Society has coordinated closely with the Washington Program, and is using the Derelict Gear Removal Guidelines developed the NWSC as a basis for the proposed project. Since 2002, the Washington program has removed over 1000 nets/pots/traps, found 500 entangled fish (including endangered salmon and rockfish species) and

over 1000 live and dead crabs, 90 birds and 4 marine mammals. The proposed project would represent the first project for the SeaDoc Society in California.

PROJECT FINANCING:

Coastal Conservancy	$300,000
Laurel Foundation	20,000
NOAA	50,000
Total Project Cost	**$370,000**

The expected source of Conservancy funds is the "California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund" (Proposition 40). Allowable uses of these funds include acquisition, restoration, and protection of land and water resources in accordance with the Conservancy's enabling legislation. As discussed below, the project is consistent with the Conservancy enabling legislation. The proposed project will help protect fish and wildlife habitat within coastal and marine waters by removing derelict gear that traps and kills wildlife and damages critical habitat. Proposition 40 requires the Conservancy to give priority to projects with matching funds (Public Resources Code Section 5096.651). The proposed project is supported by committed matching funds.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project will be undertaken pursuant to Chapter 5.5 of Division 21 of the Public Resources Code which allows the Conservancy to carry out projects that protect and/or restore marine habitat and water quality. Under Section 31220 of the Public Resources Code, the Conservancy may undertake projects that meet any of the objectives specified in subsection (b) of that section. Consistent with Section 31220(b), the proposed project will (1) help protect fish and wildlife habitat within coastal and marine waters by removing derelict gear that traps and kills wildlife and damages critical habitat; (2) reduce threats to coastal and marine fish by removing underwater hazards; and (3) provide for monitoring and mapping of marine habitats and wildlife in order to facilitate the gear removal program. Data generated from this program will not only be shared with interested parties, but the appropriate agencies will be alerted to any problems affecting resource or human health that are identified during operation. Consistent with Section 31220(a), the Conservancy has consulted with the State Water Resources Control Board in the development of this project to ensure consistency with Chapter 3 (commencing with Section 30915) of Division 20.4 of the Public Resources Code. The Department of Fish and Game has also been consulted in developing this project, and will remain an active partner. As required by Section 31220(c), the project will include an evaluation component through the preparation and submittal of a year-end report by the SeaDoc Society on the activities, accomplishments, and future goals of the California Derelict Fishing Gear Removal Pilot Project. As also required by Section 31220(c), the project is consistent with state and regional watershed planning as described below under "Consistency with Local Watershed Management Plan/State Water Quality Control Plan."

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 6 Objective B,** the proposed project will benefit coastal marine resources by restoring underwater habitats to their natural state by removing man-made materials that threaten the life of endangered species and other living marine organisms.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project is supported by local legislators, research institutions, non-governmental organizations, and federal and state government agencies. Letters of support are attached as Exhibit 5.
4. **Location:** The proposed project would be located in the nearshore waters off Humboldt, Monterey, San Luis Obispo, and Los Angeles counties, out to depths of 100 feet.
5. **Need:** Derelict gear left in the marine environment can continue to "catch" marine animals, including endangered species, and/or damage the habitat upon which they rely for survival. Derelict gear can also become an underwater hazard for boaters, entangling boat propellers and anchors, or can endanger humans, especially recreational and commercial divers.
6. **Greater-than-local interest:** The citizens of California and the many tourists who visit the California coast to recreate (e.g. divers, boaters, and surfers) will benefit from this project through the increased safety provided by the removal of underwater hazards. Commercial and recreational fishers will benefit through the potential repatriation of lost gear. Non-fishing industries (e.g. the U.S. military, telecommunications companies) will benefit from the removal of gear that entangles equipment and structures or prevents its placement underwater, and state resources agencies will benefit by having a program that reduces the loss of commercially and recreationally valuable marine organisms from state waters, provides a higher level of protection for threatened and endangered species, and provides more information on critical coastal habitats.

Additional Criteria

7. **Urgency:** Derelict gear continues to "fish" passively even though abandoned. Removal of this gear increases the security and recovery of many of California's marine species. As many of these marine species become endangered or threatened, it is imperative that every

attempt is made to remove any gear that may continue to trap or ensnarl these species. Without the support of the Conservancy, this project will not happen.

8. **Readiness:** The SeaDoc Society has done a great deal of research on this problem in California and in other states with similar programs, and has made a compelling case for the need of this program. By talking to researchers, resource managers, commercial divers and others who frequent these nearshore environments, enough evidence has been produced to warrant a pilot investigation. By coordinating with gear removal programs already underway in other states, the SeaDoc Society has prepared a pilot program for California that is that well thought out and is ready to be implemented.
9. **Cooperation:** The SeaDoc Society has formed strong relationships with gear removal programs in other states, and has already coordinated closely with the Department of Fish and Game, the California Coastal Commission, the National Marine Sanctuaries, and many other agencies with management responsibilities in the marine environment.

CONSISTENCY WITH THE COASTAL ACT:

Article 4 of Chapter 3 of the Coastal Act (Public Resources Code Sections 30230-30237) sets forth policies for the marine environment. Section 30230 provides: "Marine resources shall be maintained, enhanced, and where feasible, restored…Use of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes." The California Derelict Fishing Gear Removal Pilot Project will help sustain fish and wildlife utilizing nearshore habitats by removing derelict gear that continues to trap and kill. Mapping and data exchange will also improve our understanding of critical nearshore habitats, upon which many threatened or endangered species rely. Removing derelict gear will also result in safer diving conditions for boaters, surfers, and commercial and recreational divers. Section 30231 states: "The biological productivity of coastal waters…appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored…" The goal of the proposed project is to improve marine ecosystems impacted by derelict fishing gear, improve our knowledge of nearshore habitats, and provide scientific data that will help maintain the biological productivity of our nearshore waters, which is the source of food and other life-sustaining products for the human population of the coast and elsewhere.

CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/ STATE WATER QUALITY CONTROL PLAN:

The inherent intent of local coastal watershed management plans is to prevent water quality degradation and to protect the beneficial uses of coastal waters. Water quality control plans adopted by the State Water Resources Control Board are designed to focus resources on key issues, promote the use of sound science, and promulgate cooperative, collaborative efforts in coastal areas to protect and enhance coastal waters. As a collaborative program that includes coastal waters of California, the SeaDoc Society's California Derelict Fishing Gear Removal Project will remove marine debris and contribute to the scientific information pool that supports the development of water quality standards in coastal areas. The proposed project is consistent with the policies of the 2001 California Ocean Plan that states "the beneficial uses of the ocean

waters of the State that shall be protected include…water contact and non-contact recreation; aesthetic enjoyment;…commercial and sport fishing; …preservation and enhancement of designated Areas of Special Biological Significance (ASBS); rare and endangered species; marine habitat; (and) fish migration...".

COMPLIANCE WITH CEQA:

Staff has prepared a Mitigated Negative Declaration (MND) for the California Derelict Fishing Gear Removal Pilot Project (Exhibit 2). The MND discusses potential environmental impacts of the project activities. Key areas considered include impacts to biological resources and hydrology/water quality. In all circumstances, potential impacts identified were minor and temporary, and mitigation measures were designed to ensure that potential disturbances will result in less than significant impacts and will provide for improved marine habitat that will benefit fish and wildlife. A summary of the mitigation measures and monitoring program is attached as Exhibit 3.

The MND identified potential impacts to biological resources caused either directly by the presence and activity of divers or through habitat modification during gear removal. However, the project was redesigned to avoid, reduce and mitigate these impacts such that there is no evidence that the project, as designed, will have a potential impact to biological recourses. The project will not have a substantial adverse effect because project activities are designed to improve marine habitat by eliminating an underwater hazard that could kill or trap fish and wildlife. Project implementation avoids short-term adverse impacts through mitigation measures such as constraining the permissible work window to avoid nesting or breeding seasons of birds, cetaceans, pinnipeds, or any threatened or endangered species; prohibiting any vessel or diver to come within 100 yards of any visible cetaceans, pinnipeds, sea otter, or threatened or endangered birds (50 yards for sea turtles); prohibiting gear removal activities within 500 yards of the entrances to spawning rivers during salmonid spawning season; prohibiting gear removal from within 10 yards of a white abalone; or leaving/modifying gear in place if removing it will cause significant damage to the environment. If the gear removal team encounters an injured marine mammal, the appropriate marine wildlife rehabilitators will be notified and the animal transported to their facility. The SeaDoc Society will get approval from the appropriate state and federal agencies prior to project implementation in each coastal region to assure that, as envisioned, project impacts have been eliminated or minimized.

Mitigation measures incorporated into the project also reduce, avoid or mitigate potential impacts to hydrology/water quality. Removal efforts that could disturb sediment will not occur in areas of known contamination so as to avoid the suspension of contaminants in the water column. If removal of the gear has been identified as a high priority because of known damage or hazard posed by the gear, then the gear removal team will meet with the appropriate regulatory agencies to determine the best methods for removal. Also, any derelict gear brought on board a project vessel will be hosed down with sea water at the site of retrieval to avoid any impacts from sediment at the docking facility. Any increased turbidity at the removal site will be temporary and insignificant.

Mitigation measures incorporated into the project also reduce, avoid or mitigate potential impacts to air quality, transportation, noise, and utilities and service systems. Project activities will not take place on poor air quality days to avoid impacts from vessel operation; efforts will be made to deliver gear to local landfills during non-peak traffic hours; noise ordinances will be complied with so as to not violate rules regarding noise production in nearshore communities; efforts will be made to repatriate and/or recycle gear so as not to unnecessarily impact landfills; and prior to project implementation, all project divers will be trained in safety protocol, methods for removal that prevent damage to habitats and impacts to biota, and how to disentangle and/or detach live animals and vegetation from the gear before transferring the gear to the surface for loading onto a vessel.

Staff circulated for public and agency review and comments the Proposed Negative Declaration on May 5, 2005. The public comment period ends on June 15, 2005. All the comments received to date support of the program as proposed in the MND. For example, a letter from Monterey County indicates that "the Initial Study has been reviewed and County of Monterey is in general support of the proposed removal methodology for derelict fishing gear within the Monterey County coastal area." All public comments are attached as Exhibit 5 for review.

Staff recommends that the Conservancy find that the MND has identified the possible significant environmental impacts from the California Derelict Fishing Gear Removal Pilot Project and there is substantial evidence that changes or alterations have been incorporated into the project to avoid, reduce, or mitigate these potential impacts to a level of insignificance. Staff also recommends that the Conservancy adopt the mitigation monitoring program contained in Exhibit 3.

On the basis of these findings and determinations, staff therefore recommends that the Conservancy approve the Negative Declaration attached as Exhibit 2. Upon approval, staff will file a Notice of Determination for the MND.